

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TROY ALEXANDER RICHARDSON,

Plaintiff,

vs.

**CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION, ET
AL.,**

Defendants.

CASE NO. 18-cv-04620-YGR

**ORDER REGARDING SCHEDULING AND
OUTSTANDING MOTIONS**

Dkt. No. 63

On December 10, 2019, the Court heard argument regarding the various calculations for plaintiff's release from custody.

Still outstanding is defendant's Motion to Dismiss the Third Amended Complaint which added twenty-five new defendants with few and conclusory factual allegations as to the basis for liability of the new defendants. (Dkt. Nos. 57, 63.) Plaintiff filed the TAC on the last date allowed by way of stipulation. (Dkt. Nos. 47, 49.) Since that time, and for the reasons stated on the record during conferences with the parties, the Court vacated the trial schedule in this action and allowed for discovery to proceed, especially with respect to the role, if any, of the newly added defendants.

In light of the discovery conducted since the filing of the TAC and the remaining discovery and depositions to be conducted through at least December 19, 2019, the Court finds it advisable under Rule of Civil Procedure 1 to grant the motion to dismiss with leave to amend. The amended complaint shall: (i) identify **each defendant** and the **specific action or actions each defendant took, or failed to take**, that allegedly caused the deprivation of plaintiff's constitutional rights; and (ii) identify the injury resulting **from each claim**. Consistent with Rule 11, the amended complaint shall not include any defendant for whom there are no factual allegations to support a complaint. **The amended complaint shall be filed by January 10, 2020.**

Responsive pleadings shall be filed no later than January 21, 2020. To the extent a

1 motion is filed, the parties shall brief the motion on a standard 35-day schedule.

2 Further, the Court is amenable to briefing on the issue of qualified immunity upon filing of
3 the amended complaint. To the extent that such issue requires the filing of a motion for summary
4 judgment, the Court's pre-filing conference requirement and limit on the number of summary
5 judgment motions are waived.

6 This terminates Docket No. 63.

7 **IT IS SO ORDERED.**

8 Dated: December 12, 2019



YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE